

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW DAVID FELL,

Defendant.

**4:13CR3015**

**MEMORANDUM AND ORDER**

Based on the representations of counsel,

**IT IS ORDERED:**

- 1) The defendant is remanded to the custody of the Attorney General of the United States for a competency evaluation and, as needed, for mental health care and treatment at the Federal Medical Facility, Springfield, Missouri, or other suitable facility, pursuant to the provisions of 18 U.S.C. §§ 4241 and 4247. The Federal Medical Facility shall determine whether the defendant has the cognitive ability, competence, and capacity to consult with counsel, understand the criminal proceedings, and participate with and assist counsel in the defense of this case defense. Said institution or facility shall submit to the undersigned and all counsel of record a report of its evaluation and the status of defendant's mental state within 60 days of the defendant's arrival at such facility.
- 2) The United States Marshal shall forthwith, without delay, transport the defendant to the Springfield, Missouri facility, or other suitable facility as identified by the Attorney General of the United States, in accordance with this order, at no cost to the defendant. The Marshal shall ensure the defendant receives all currently prescribed medications during her transport to the Federal Medical Center.
- 3) The United States Marshal shall promptly advise defense counsel concerning which Federal Medical Center location will be evaluating, caring, and treating the defendant, and upon receipt of this information, defense counsel shall forward all medical and mental health records in counsel's possession, including but not limited to any records received from Pretrial Services, to that Center for its use in defendant's care.

- 4) Upon defendant's release from the Federal Medical Center for return transport to the District of Nebraska, the Marshal shall provide a 30-day supply of all medications prescribed for defendant's care and treatment at that time, and shall ensure that the defendant receives such medications in accordance with the instructions of the prescribing physician during transport to this District.
- 5) Except as to transportation time presumed unreasonable under 18 U.S.C. § 3161(h)(1)(F), the time between today's date and a judicial determination that the defendant is competent and capable of assisting in the defense of this case shall be deemed excludable in any computation of time under the requirements of the Speedy Trial Act. 18 U.S.C. § 3161(h)(1)(A) & (h)(4).

February 28, 2013.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge